

WAUKEGAN PLANNING & ZONING COMMISSION
March 10, 2016
MINUTES

1.0 Roll Call

PRESENT: Anderson, Rodriguez, Dye, Griffin, Grimes, Bartos, Kolber
ABSENT: Garcia, Haug

2.0 Approval of February 11, 2016 Minutes

Motion by Commissioner Grimes and seconded by Commissioner Anderson to approve the minutes of the February 11, 2016 Planning & Zoning Commission meeting.

AYES: Anderson, Rodriguez, Dye, Griffin, Grimes

NAYES: None

ABSTAIN: Bartos

3.0 Audience Time

NONE

4.0 Old Business

NONE

5.0 New Business

Motion by Commissioner Dye and seconded by Commissioner Anderson to move city business items 5.1 thru 5.3 to the end of the agenda.

AYES: All NAYES: None

Motion by Commissioner Grimes and seconded by Commissioner Griffin to seat Commissioner Kolber at 7:07PM.

AYES: All NAYES: None

5.4 Zoning Calendar #2490

Petitioner: Arnold Isakhanian/Lakehurst Investments, LLC

Location: 300 Lakehurst Road

Request: Preliminary and Final Plat of the Lakehurst 300 Resubdivision

Petitioner Arnold Isakhanian explains that he would like to subdivide the front portion of this lot into 3 separate lots for the possible development of a storefront, a restaurant, and possibly a hotel. Arnold states that he is in agreement with all of the conditions except for condition number 6, that states the current use must cease operations if the new lots are developed.

Commissioner Bartos- This just doesn't seem to work out right, if you develop these other lots how are you going to accommodate parking for each business, when it seems that

you already have parking issues.

Arnold- The business model of the current business is changing, we are downsizing.

Commissioner Bartos- But your parking for your current use is spilling over into other people's property. Approving the subdivision puts him in an impossible position of having to close his business.

Commissioner Dye- Has staff discussed other possibilities or arrangements.

Russ Tomlin- The intent is to make sure that any future uses are compatible and have sufficient parking.

Arnold- But condition number 6 says I need to shut it down, which I don't want to do.

Chairman Rodriguez- Is it possible to adjust condition 6 so that both sides are agreeable.

Arnold- Yes I would welcome that.

Bartos- I agree, condition 6 as it is currently is a full shut down of the business.

Russ Tomlin- The language could be adjusted.

Commission members discuss new language for item number 6, Any development, demolition, or reconstruction on lots 1 through 4 which affects the total number of parking spaces associated with the existing use on Lot 1 shall require the review for parking capacity for all uses on Lots 1 through 4.

Chairman Rodriguez- Arnold is this new language acceptable?

Arnold-Yes.

Chairman Rodriguez opens the meeting to public comment.

Bob Publiese of SBC Venture LLC states that he represents the owner of the property adjacent to the South and also the developer of Fountain Square. Bob explains that he is in support of this petition but on both sides of the issue. For the past number of years parking has been a major issue with the business and constant over flow on to our property is a concern. We believe that this subdivision indicates a shift in business models and we support that.

Motion by Commissioner Bartos and seconded by Commissioner Dye to recommend to the City Council the approval of Zoning Calendar #2490 a Preliminary and Final Plat of the Lakehurst 300 Resubdivision with amended language for item #6.

AYES: All NAYES: None

5.5 Zoning Calendar #2491

Petitioner: Kaplan Environmental Services/Paul Revere Mortgage

Location: 2800 Northwestern Avenue

Request: Conditional Use Permit for an Asphalt Recycling Facility

Chairman Rodriguez explains that Kaplan Environmental Services will make a presentation but no action will be taken.

Petitioner representative Mike Barr and Scott Greenberg present and explain the business of Kaplan Environmental Services and their proposed use of 2800 Northwestern Ave.

Mike and Scott explain that Kaplan is not an asphalt plant, it is an environmentally friendly mixing facility that recycles failed asphalt. They do not use any hazardous chemicals and there is very little odor.

Commissioner Bartos- When you say very little odor, does that mean no odor or some odor?

Scott- Very little, it smells a little like burning leaves or wood.

Scott- We do not use coal tar or roofing asphalt, it is 100% recyclable, it does not leach into the ground, we are a micro facility that produces approximately 400 tons a day while other facilities might do 400 tons an hour.

Commissioner Bartos- I was reading in your packet that was handed out something about 76% recycled petroleum, where does the rest of that percentage go?

Scott- New asphalt plants use liquid AC additive, what we do is take old asphalt and regenerate it without using the chemicals that go into making it originally.

Commissioner Dye- So if you are producing smaller loads and have a quick turnaround, you won't have piles of materials lying around the site?

Scott- We will have an area where we could have stockpiles ready to recycle.

Commissioner Bartos- Are you open to restrictions on tonnage.

Scott- Yes.

Commissioner Bartos- Is it possible on a hot summer day that large piles of this material could combust?

Scott- Not aware of that ever happening, I don't think it is possible.

Mike Barr- In comparison we are a micro plant and other plants produce 10 times the amount that we do and we have not ever heard of that happening.

Commissioner Griffin- Is this a seasonal or year round business?

Scott- Mostly seasonal but we do have the ability to run longer than most facilities into colder weather.

Commissioner Anderson- What do you plan on constructing on the proposed site, silos, etc?

Scott- Our current plant is basically portable, so we will be moving our current plant to the new location. Scott shows diagrams and pictures of the current plant.

Chairman Rodriguez- Who are your customers?

Scott- We have 2 or 3 small consumer pavers and our own paving company that are customers.

Chairman Rodriguez opens the meeting to public comment

Peg Ichorst- Peg states that she is with the bus company next door to the proposed site. Peg asks if asphalt trucks are going to be interfering with her school buses coming in and out on time. Peg also asks about road maintenance and pot holes doing damage to the road and vehicles. Peg asks if it will be noisy and odorous and asks what happens if they grow bigger and bigger than their operation currently is.

Scott- We will not impede on your buses we can discuss timing, we also need to discuss with the city about maintenance of the road, if Kaplan is able to fix and patch the road. Our machinery is very quiet, the buses could possibly be louder, there is very little odor, the site limits our ability to grow, we wouldn't be able to expand much on that site.

Jesus Ortiz- Jesus states that he lives around the corner for the proposed site. Jesus states that the area has a lot of water drainage and flooding issues and is wondering about runoff control. Jesus asks how they know the asphalt piles and oils won't wash out into surrounding properties. Jesus states that he thinks the presentation was misleading and that the public was not able to see the pictures and information packet that Scott gave to the commission members.

Scott- Responds to Jesus that he will provide him with the same information packet and pictures that were given to the commission members.

Mike Barr- Adds that the plant does not use liquid oil on site that could mix with any flood water. Any oil is already dried and in the failed asphalt product. Also we are permitted, licensed, and inspected by the EPA, and we are under the levels of particulate and emissions allowed.

Chairman Rodriguez- Thank you, we will not be taking action at this time, staff and the petitioner are still working on some details and a final staff report, we may take action next month.

5.6 Zoning Calendar #2492

Petitioner: PR Amhurst Lake, LLC/Ron Finch
Location: 1411 S White Oak Drive
Request: Conditional Use Permit for a Day Care Center

Petitioner representative Rachel Bernero presents and explains. Rachel states that she is the property manager of Amhurst Lake Business Park. In 2009 there was a day care facility at this location, they closed a couple of years ago and it has been vacant since. Since the previous day care closed they have been looking for a new provider and have found one. With all of the development and new business coming into the area this location will be very useful for the surrounding businesses and residents.

Day care operator Ron Finch explains that he has been operating day care facilities since 1996, he currently has two day care centers and this will be his third.

Commissioner Griffin- Do you have the ability to have school pick up and drop offs?
Ron Finch- Yes we do.

Commissioner Anderson- How many kids will you have the ability to care for?
Ron Finch- I believe the maximum is 171.

Chairman Rodriguez opens the meeting for public comment.
None.

Chairman Rodriguez states that a letter of support was submitted on behalf of M&R Northern Crossings.

Staff report- Staff recommends approval, this is a good site for a day care center.

Motion by Commissioner Anderson and seconded by Commissioner Griffin to recommend to the City Council the approval of Zoning Calendar #2492 a Conditional Use Permit for a Day Care Center
AYES: All NAYES: None

5.7 Zoning Calendar #2493

Petitioner: City of Waukegan
Request: Approval of the 2016 Zoning Map

City staff explains that an annual update of the zoning map is required to reflect any zoning changes that have taken place throughout the past year.

Motion by Commissioner Anderson and seconded by Commissioner Bartos to recommend to the City Council the approval of Zoning Calendar #2493 Approval of the 2016 Zoning Map
AYES: All NAYES: None

5.8 Zoning Calendar #2494

Petitioner: Orlando Celis/3375 West Grand, LLC
Location: 3375 Grand Avenue
Request: Conditional Use Permit for a Car Wash

Petitioner representative Irene Edgar presents items 5.8 and 5.9 as they are on the same lot and within the same building.

Irene explains the history of the businesses. The Auto Warehouse purchased the property to operate a car sales business about 3 years ago. The auto sales business opened as did an auto repair business and an auto detail business. At the time the auto repair and auto detail did not have a license. This city notified the property and business owner that they need the proper licenses and are now in the process of obtaining those.

Commissioner Bartos- Is there any relation between the three businesses?
Irene- No.

Commissioner Grimes- I believe there is a Secretary of State law that prohibits having multiple businesses at car dealerships, I don't think this is allowed.

Commissioner Dye- Was there a fee or penalty issued because they did not have a license?
City staff- Fee's and penalties are possible, but when the property and business owners were notified they were quick to react and follow all of the procedures, so there were no fines issued.

Commissioner Bartos- What is the distinction between a hand detail and an automated car wash? It seems that the applicant emphasized that they are a hand detail.

City Staff- The hand detail is more of an appointment type of business where as an auto car wash is more of a convenience business that tends to attract longer lines. The auto detail is not as intense a use as the auto car wash.

Staff report- Staff recommends approval.

Motion by Commissioner Dye and seconded by Commissioner Bartos to recommend to the City Council the approval of Zoning Calendar #2494 a Conditional Use Permit for a Car Wash

AYES: Anderson, Bartos, Kolber, Dye, Griffin, Rodriguez

NAYES: None

ABSTAIN: Grimes

5.9 Zoning Calendar #2495

Petitioner: Abelardo Lobos/3375 West Grand, LLC

Location: 3375 Grand Avenue

Request: Conditional Use Permit for an Auto Repair

Motion by Commissioner Anderson and seconded by Commissioner Griffin to recommend to the City Council the approval of Zoning Calendar #2495 a Conditional Use Permit for an Auto Repair

AYES: Anderson, Bartos, Kolber, Dye, Griffin, Rodriguez

NAYES: None

ABSTAIN: Grimes

5.10 Zoning Calendar V-1-16

Petitioner: Waukegan Park District

Request: Vacation of Jensen Court

Commissioner Anderson recuses herself from items 5.10, 5.11, and 5.12

Petitioner representatives Mike Trigg and Tim Girmscheid present and explain items 5.1, 5.11, and 5.12 as they are all related.

Mike Trigg explains that the requests for vacation are for the purpose of improvements to King Park.

Tim Girmscheid explains the layout of the park and the surrounding roads and alleys. Tim states that there are two alleys and one road way that would need to be vacated in order to make park improvements in the future.

Commissioner Dye- Are there any utility easements that you need to be mindful of within these alley ways?

City staff- The utility companies have been notified and made aware, there are utility easements on Jensen Court and the East alley.

Commissioner Griffin- What is the time frame for the park improvements?

Mike Trigg- This summer we will be making initial clean up improvements, but for the complete overhaul probably three years.

Chairman Rodriguez opens the meeting up for public comment.

Yula Rodgers- Yula explains that she is adjacent to the park and is wondering what will happen to the fence in the rear and her property.

Mike and Tim- Address Yula's concerns with the diagrams of the existing conditions and the new proposed improvements. The state that a new fence will be put up and she will gain a little extra land to her back yard.

Staff report- Staff recommends approval.

Motion by Commissioner Grimes and seconded by Commissioner Griffin to recommend to the City Council the approval of Zoning Calendar V-1-16 a Vacation of Jensen Court

AYES: All NAYES: None

5.11 Zoning Calendar V-2-16

Petitioner: Waukegan Park District

Request: Vacation of East Alley

Motion by Commissioner Dye and seconded by Commissioner Griffin to recommend to the City Council the approval of Zoning Calendar V-2-16 a Vacation of East Alley

AYES: All NAYES: None

5.12 Zoning Calendar V-3-16

Petitioner: Waukegan Park District

Request: Vacation of West Alley

Motion by Commissioner Griffin and seconded by Commissioner Bartos to recommend to the City Council the approval of Zoning Calendar V-3-16 a Vacation of West Alley

AYES: All NAYES: None

Motion by Commissioner Grimes and seconded by Commissioner Dye to seat Commissioner Anderson.

AYES: All NAYES: None

5.1 Zoning Calendar #2487

Petitioner: City of Waukegan

Request: Text Amendment to Section 13.2 redefining "Lot Line, Front".

City staff explains that the text amendment will more clearly explain the lot lines of a

property specifically in the case of corner lots where there is frontage on two streets.

Motion by Commissioner Anderson and seconded by Commissioner Grimes to recommend to the City Council the approval of Zoning Calendar #2487 a Text Amendment to Section 13.2 redefining “Lot Line, Front”.

AYES: All NAYES: None

5.2 Zoning Calendar #2488

Petitioner: City of Waukegan

Request: Text Amendments to Articles 8 and 13 regarding Inline Retail
 Developments

City staff explains that there are currently no specific guidelines as it relates to inline retail developments or “strip malls”. The text amendment will guide future development of these inline retail developments based on the square footage of the land as well as design features and tenant commitments.

Commissioner Bartos- Who comes up with these regulations?

Steve Sabourin- We compare with other communities and existing examples of guidelines for these types of developments.

Commissioner Kolber- I understand that guidelines may be necessary but I believe that the specific design requirement of having an arcade design feature is too strict and probably won’t achieve your intended goal. You might have an architect and developer that come up with a great project and great design, but then they see that they are required to have an arcade on the building and walk away. I don’t think restricting their design choices is the right move.

Chairman Rodriguez opens the meeting up to public comment.

Bob Pugliese of SDC Waukegan Venture LLC states that he has been very involved with various commercial development throughout Waukegan for a number of years, specifically the redevelopment of Fountain Square. Bob states that he is in support of design standards and was one of the authors of the Western Gateway Design Overlay district in Waukegan. Bob adds that the specific design requirement of having arcades goes too far and should not be a requirement. This requirement makes it more difficult to get development deals done.

Commissioner Bartos- But if we don’t have design standards we are always behind the 8 ball and could get substandard designed development. I think design standards are important. I know it is an extreme example but it works in Santa Fe New Mexico, they have very specific requirements and it gives the town a certain feel.

Bob Pugliese- I agree guidelines are important but to dictate this specific style is not a trend That you would want to create. Development styles and designs change and evolve, Arcades were very popular in the 70’s and 80’s. It is good practice to have design guidelines that developers and architects can still be creative while adhering to the guidelines.

Commissioner Grimes- I agree with Pugliese, he is in this development arena every day.

Commissioner Anderson- Question for Mr. Pugliese, are you only against the specific requirement of the arcades?

Bob Pugliese- Yes, everything is fine except for the arcade requirement.

Motion by Commissioner Anderson and seconded by Commissioner Grimes to recommend to the City Council the approval of Zoning Calendar #2488 Text Amendments to Articles 8 and 13 regarding Inline Retail Developments, with the removal of the arcade design feature requirement.

AYES: All NAYES: None

5.3

Zoning Calendar #2489

Petitioner: City of Waukegan

Location: 0 E. Sea Horse Drive

Request: Map Amendment from R8 General Residence to M-CR Marine-Commercial Recreation

City staff explains that this rezoning is a result years of legal issues and a court settlement, this rezoning is a requirement of that court settlement.

Motion by Commissioner Dye and seconded by Commissioner Anderson to recommend to the City Council the approval of Zoning Calendar #2489 a Map Amendment from R8 General Residence to M-CR Marine-Commercial Recreation

AYES: All NAYES: None

6.0 Conditional Use Permit Reviews

City staff states that 840 Grand Ave. is being sold to a new owner and the conditions of the CUP will be transferred to the new owner. Staff will be working with the new owner to make sure that all conditions are followed.

7.0 Adjournment

Motion by Commissioner Griffin and seconded by Commissioner Anderson to adjourn the March 10, 2016 Planning & Zoning Commission meeting.

AYES: All NAYES: None